

06/24/03

17691 U.S. PTO

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new non-provisional  
applications under 37 CFR 1.53(b))

Title of Invention

Methods And Compositions For Treating  
Flaviviruses and Pestiviruses

Named Inventor(s)

Jean-Pierre Sommadossi and Paolo La Colla.

Attorney Docket

06171.IDX 1006 DIV1

Express Mail Label No.

EV242821501US

16670 U.S. PTO  
10/602693

06/20/03

## APPLICATION ELEMENTS

The Honorable Commissioner for Patents  
ADDRESS TO: Mail Stop Patent Application  
P. O. Box 1450  
Alexandria, VA 22313-1450

## ACCOMPANYING APPLICATION PARTS

1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification, Claims,  
and Abstract Total Pages **266**
4. ☒ Drawings Total Sheets **8**
5. Oath or Declaration Total Pages
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17  
completed)
    - (i) ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting  
inventor(s) named in the prior  
application, see 37 CFR 1.63(d)(2)  
and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76.
7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence  
Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statement verifying identity of above  
copies

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement  
(when there is an assignee)  
☐ Power of Attorney by  
assignee
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)  
PTO-1449  
☐ Copies of IDS
- Citations
13. ☒ Preliminary Amendment (15 Pages)
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
16. ☒ Other: Request for Filing a Divisional  
Application Under 37 CFR § 1.53(b) 2 pp.

17. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/863,816

Prior application information: Examiner: McIntosh, Traviss C. III Group/Art Unit: 1621

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS:

Sherry M. Knowles  
KING & SPALDING LLP  
45<sup>th</sup> Floor  
191 Peachtree Street, N.E.  
Atlanta, Georgia 30303

By: Sherry Knowles Reg. No. 33,052  
Date: June 20, 2003  
Telephone: 404.572.3541  
Facsimile: 404.572.5145  
Customer No. 20786

06/24/03 17691 U.S. PTO

Divisional of Application No. 09/863,816

Transmittal for Request of Filing a Divisional Application dated June 20, 2003

## FEE TRANSMITTAL

This sheet accompanies a patent application transmittal for the following application:

Inventor(s): Jean-Pierre Sommadossi *et al.*

Filing Date: June 20, 2003

Title: Methods and Compositions for Treating Flaviviruses and Pestiviruses

The filing fee is calculated as shown below:

### 1. FILING FEE:

FOR:	SMALL ENTITY		LARGE ENTITY	
	FEE	FEE PAID	FEE	FEE PAID
<input checked="" type="checkbox"/> UTILITY FILING FEE	\$375.00		\$750.00	750.00
<input type="checkbox"/> DESIGN FILING FEE	\$165.00		\$330.00	
<input type="checkbox"/> PLANT FILING FEE	\$255.00		\$510.00	
<input type="checkbox"/> REISSUE FILING FEE	\$370.00		\$740.00	
<input type="checkbox"/> PROVISIONAL FILING FEE	\$80.00		\$160.00	
SUBTOTAL (1)				750.00

### 2. CLAIMS:

FOR:	SMALL ENTITY			LARGE ENTITY		
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	46 - 20 =	26	x \$9 =		26 x \$18 =	\$468.00
INDEP. CLAIMS	1 - 3 =	0	x \$42 =		0 x \$84 =	\$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED			+\$140 =		+ \$280 =	\$0.00
SUBTOTAL (2)						\$468.00

### 3. ADDITIONAL FEES:

FOR:	SMALL ENTITY		LARGE ENTITY	
	FEE	FEE PAID	FEE	FEE PAID
<input type="checkbox"/> LATE FILING, FEE OR OATH				
<input type="checkbox"/> NON-ENGLISH SPECIFICATION				
<input type="checkbox"/> OTHER				
SUBTOTAL (3)				

**TOTAL FILING FEES: \$1,218.00**

A check is enclosed for the amount: **\$1,218.00**

☒ Charge any additional fees required under 37 C.F.R. 1.16 or 1.17 to Deposit Account 11-0980

KING & SPALDING

45<sup>th</sup> Floor, 191 Peachtree Street, N.E.

Atlanta, Georgia 30303

Telephone: 404.572.3541

By: Sherry M. Knowles Date: June 20, 2003

Sherry M. Knowles, Attorney for Applicant Reg. No. 33,052

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Jean-Pierre Sommadossi, et al.	)	
	)	
Serial No.: Unassigned	)	
This is a Divisional of	)	
U.S.S.N. 09/863,816	)	Art Unit: 1621
Filed: May 23, 2001	)	Examiner: McIntosh, III, Traviss C.
	)	
For: Methods and Compositions for Treating	)	
Flavivirus and Pestiviruses	)	

Mail Stop Patent Application  
The Honorable Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

---

**REQUEST FOR FILING A DIVISIONAL APPLICATION UNDER 37 CFR § 1.53(b)**

---

Sir:

This is a request by Jean Pierre Sommadossi and Paola LaColla for filing a Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application U.S. Serial No. 09/863,816, filed on May 23, 2001, currently pending.

Enclosed is a copy of the prior application U.S.S.N. 09/863,816 as originally filed on May 23, 2001. The application includes two hundred and sixty-six pages of Specification, Claims, and Abstract and eight pages of Formal Drawings (Figures 1 through 10). I hereby verify that the attached papers are a true copy of what is shown in my records to be the above-identified prior application.

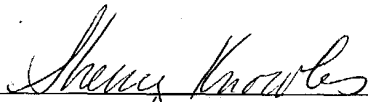
Jean Pierre Sommadossi has assigned his interest to Novirio Pharmaceuticals Limited and Paola LaColla has assigned his interest to Universita Degli Studi Di Cagliari, which was recorded on July 12, 2001, at Reel 011974, Frame 0132. Novirio Pharmaceuticals Limited

changed its name to Idenix Pharmaceuticals Inc., which was recorded on August 19, 2002, at Reel 013193, Frame 0841. Please also note that Idenix Pharmaceuticals, Inc., which was first formed and incorporated in the jurisdiction of the Cayman Islands, has now accepted domestication pursuant to Section 388 of the General Corporation Law of the State of Delaware, the United States of America. The Certification of Domestication Incorporation in Delaware was recorded on February 6, 2003, at Reel 013718, Frame 0543. A copy of the recorded assignments, the recordation of name change, and the recordation of certification of domestication are enclosed. Also enclosed are copies of the executed Declarations for Patent Application and Powers of Attorney.

A Preliminary Amendment is enclosed. Applicants request entry of the Preliminary Amendment prior to examination of this application.

Applicants enclose a check for \$1,218.00 to cover the filing fee. The Commissioner for Patents is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 11-0980.

Respectfully submitted,

  
Sherry M. Knowles, Esq.  
Reg. No. 33,052

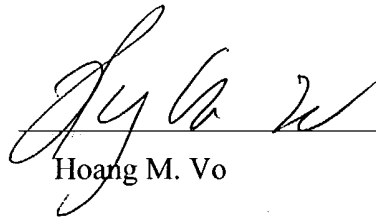
Date: June 20, 2003

**Express Mail Label EV242821501US**

King & Spalding LLP  
191 Peachtree Street  
Atlanta, Georgia 30303  
404-572-43541 (telephone)  
404-572-5145 (facsimile)  
Attorney Docket No. 06171.IDX 1006 DIV1

**CERTIFICATE OF MAILING UNDER 37 CFR § 1.10**  
**FOR UTILITY PATENT APPLICATION FILING**

I hereby certify that this Request for filing a Divisional Application, Transmittal of Utility Patent Application, Utility Patent Application, and Fee Transmittal, along with any documents referred to as attached therein are being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addresses" services under 37 CFR 1.10, Mailing Label Number **EV242821501US** addressed to Mail Stop PATENT APPLICATION; The Honorable Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
Hoang M. Vo

Date: **June 20, 2003**